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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.  | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 10/675,110   | 09/30/2003  | Marcus Kellerman     | 14972US02            | 4986             |
| 23446  | 7590        | 11/01/2006           | EXAMINER             |                  |
| MCANDREWS HELD & MALLOY, LTD<br>500 WEST MADISON STREET<br>SUITE 3400<br>CHICAGO, IL 60661 |             |                      | REVAK, CHRISTOPHER A |                  |
|  |             |                      | ART UNIT             | PAPER NUMBER     |
|  |             |                      | 2131                 |                  |

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/675,110

Applicant(s)

KELLERMAN ET AL.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 and 21-28 is/are allowed.
- 6) ☒ Claim(s) 1-12, 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

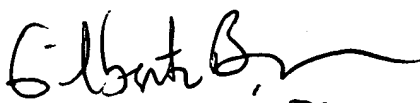
1. In view of the appeal brief filed on August 9, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
GILBERTO BARRON Jr.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

2. Applicant's arguments with respect to claims 1-12 and 16-20 have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5,7-12,16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al, U.S. Patent 7,010,581.

As per claim 1, the teachings of Brown et al disclose of a system for reformatting media content (col. 4, lines 2-9). A transcoder farm, item #24 (server), is operably to a network (as shown in Figure 2). A client device, item 10 (first communication device), and proxy machine, item #11 (second communication device), are operably connected to the network (as shown in Figure 2). The proxy machine (second communication device) receives client information (device profile) related to the client device (first communication device) from the client device (first communications device) and the proxy machine (second communication device) sends the client information (device profile) and media content to the transcoder farm (server)(col. 3, lines 50-52; col. 4, lines 2-9,34-35, & 42-55). The transcoder farm (server) reformats the media content based on the client information (device profile)(col. 4, lines 6-9).

As per claim 2, it is disclosed by Brown et al that the transcoder farm (server) sends the reformatted media content to the client device (first communication device)(col. 4, lines 6-9).

As per claim 3, Brown et al teaches that the transcoder farm (server) transcodes the media content from a first type of format to a second type of format wherein the second type of format is compatible with the client device (first communication device)(col. 4, lines 2-9 & 42-55).

As per claim 4, Brown et al discloses that the transcoder farm (server) comprises a dedicated format conversion server (col. 4, lines 37-39).

As per claim 5, the teachings of Brown et al disclose that the client device (first communication device) requests the media content from the proxy machine (second communication device)(col. 3, lines 50-52 and col. 4, lines 42-55).

As per claim 7, it is disclosed by Brown et al that the client device (first communication device) is coupled to the network via a first headend and the proxy machine (second communication device) is coupled to the network via a second headend (please refer to Figure 2).

As per claim 8, Brown et al teaches that the client device (first communication device), proxy machine (second communication device), and the transcoder farm (server) comprise a software platform that can provide user-interface functionality, distributed storage functionality, and networking functionality (col. 3, lines 32-37; col. 4, line 62 through col. 5, line 2; and as shown in Figure 2).

As per claim 9, Brown et al discloses of the client (first communication device), proxy machine (second communication device), and the transcoder farm (server) comprise a software platform that can provide channel setup (col. 3, lines 32-37 and as shown in Figure 2).

As per claim 10, it is taught by Brown et al that the client (first communication device proxy machine (second communication device), and the transcoder farm (server) have distributed networking capability (col. 3, lines 32-37 and as shown in Figure 2).

As per claim 11, Brown et al discloses that the client information (device profile) comprises information related to the media capabilities of the client device (first communication device)(col. 4, lines 2-9,34-35, & 42-55).

As per claim 12, Brown et al teaches that the client device (first communication device) and the proxy machine (second communication device) comprise a television screen that facilitates view and interacting with media (col. 4, line 62 through col. 5, line 2).

As per claim 16, Brown et al teaches of a system for reformatting media content (col. 4, lines 2-9). A transcoder farm (server) is operably coupled to a network (as shown in Figure 2). A client device (communications device) operably coupled to the network receives media content of a format that is not supported by the communications device and sends client information (device profile) of the client device (communications device) and the received media content to the transcoder farm (server)(col. 3, lines 50-52; col. 4, lines 2-9,34-35, & 42-55). The transcoder farm (server) reformats the media content from the client device (communications device) into a format that is supported

by the client device (communications device) based on the client information (device profile)(col. 4, lines 6-9).

As per claim 17, it is disclosed by Brown et al that the transcoder farm (server) stores the client information (device profile) of the client device (communications device) for use in reformatting other media destined for the client device (communications device)(col. 4, lines 2-9 & 34-38).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al, U.S. Patent 7,010,581.

As per claims 6 and 18, it is disclosed by Brown et al of a system for reformatting media content (col. 3, lines 27-33). A client device (communication device) is operably connected to a network (as shown in Figure 2). The client (communications device) stores client information (device profile) and sends the client information (device profile) to the network (col. 4, lines 2-9). Media content is received from the network that has been reformatted based on the client information (device profile)(col. 3, lines 50-52; col. 4, lines 2-9,34-35, & 42-55). The teachings of Brown et al do not disclose that the client information (device profile) is updated or revisable. It is obvious to one of ordinary skill

in the art at the time of the invention to have been motivated to allow client information to be modified based on changes to the client device (communications device). It is notoriously well known that a client can alter its configuration formats at any point in time and when that change takes place, the motivational benefits is to accordingly notify a server or provider so that the appropriate formats can be supplied. It is obvious that the teachings Brown et al would have allowed updates or revisions to the client information (device profile) whenever changes were made to the client device (communication device) so that the transcoder farm (server) can reformat the media that corresponds to the updated or revised client configuration.

As per claim 19, the teachings of Brown et al disclose of a transcoder farm (server) operably connected to the network (as shown in Figure 2). The transcoder farm (server) reformats the media content destined for the client device (communications device) based on the revisable client information (device profile)(col. 4, lines 6-9).

As per claim 20, Brown et al teaches that the data access server stores the revisable client information (device profile) of the client (communications device) for use in reformatting other media destined for the client (communications device)(col. 4, lines 2-9).

***Allowable Subject Matter***

7. Claims 13-15 and 21-28 are allowed.




**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

  
October 29, 2006

CHRISTOPHER REVAK  
PRIMARY EXAMINER

